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APPLICATION N	Ю.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/613,618		07/03/2003	Raymond J. Anater JR.	9255-902	4373	
44023	759	0 01/18/2005		EXAM	INER	
BARLE		DER	RIDLEY, RICHARD			
PO BOX 1559 LANCASTER, PA 17608-1559				ART UNIT	PAPER NUMBER	
	,			3651		
				DATE MAILED: 01/18/2005		

Please find below and/or attached an Office communication concerning this application or proceeding.

_			I.n			
		Application No.	Applicant(s)			
		10/613,618	ANATER ET AL.			
	Office Action Summary	Examiner	Art Unit			
		Richard Ridley	3651			
Period	The MAILING DATE of this communication app I for Reply	pears on the cover sheet wit	th the correspondence address			
A S TH - E - H - H	SHORTENED STATUTORY PERIOD FOR REPLIE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provisions of 37 CFR 1.1 (filter SIX (6) MONTHS from the mailing date of this communication. If the period for reply specified above is less than thirty (30) days, a reply NO period for reply is specified above, the maximum statutory period failure to reply within the set or extended period for reply will, by statute than the period for reply will be	136(a). In no event, however, may a re by within the statutory minimum of thirty will apply and will expire SIX (6) MON' a, cause the application to become AB	eply be timely filed (30) days will be considered timely. THS from the mailing date of this communication. ANDONED (35 U.S.C. § 133).			
Status	3					
/-		s action is non-final. Ince except for formal matte				
Dispo	sition of Claims					
5)[6)[7)[✓ Claim(s) <u>1-40</u> is/are pending in the application 4a) Of the above claim(s) is/are withdra ☐ Claim(s) is/are allowed. ☐ Claim(s) is/are rejected. ☐ Claim(s) is/are objected to. ✓ Claim(s) <u>1-40</u> are subject to restriction and/or 	wn from consideration.				
Applic	cation Papers					
9) The specification is objected to by the Examiner.						
10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.						
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).						
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.						
Priori	ty under 35 U.S.C. § 119					
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received.						
2) 🔲 N	nent(s) Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawing Review (PTO-948) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08	Paper No(s	Summary (PTO-413) s)/Mail Date nformal Patent Application (PTO-152)			
	Paper No(s)/Mail Date	6) Other:				

Art Unit: 3651

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claim1-33, drawn to a container management system, classified in class 414,

subclass 797.1.

II. Claims 34-40, drawn to a method of storing articles, classified in class 414,

subclass 797.3.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions II and I are related as process and apparatus for its practice. The inventions

are distinct if it can be shown that either: (1) the process as claimed can be practiced by another

materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice

another and materially different process. (MPEP § 806.05(e)). In this case the apparatus as

claimed can be used to practice another and materially different process such as the process or

radially extending transfer arms.

3. Because these inventions are distinct for the reasons given above and have acquired a

separate status in the art as shown by their different classification, restriction for examination

purposes as indicated is proper.

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Restriction of Species

4. This application contains claims directed to the following patentably distinct species of the claimed invention:

- > Species I, as represented by claims 8, 26 (each of the magnetic lifts is pneumatically driven by a SPEARTE air cylinder)
- > Species II, as represented by claim 9, 25 (a plurality of the magnetic lifts is pneumatically driven by a PLURALITY of air cylinders)
- > Species III, as represented by claim 10, 27 (a plurality of the magnetic lifts is pneumatically driven by a SINGLE air cylinders)
- 5. Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, none of the claims appear to be generic.
- 6. Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.
- 7. Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

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8. Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

- 9. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).
- 10. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).
- 11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Ridley whose telephone number is (703) 306-5910. The examiner can normally be reached on Mon-Thur 7:00 am 5:15 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Ellis can be reached on (703) 308-1113. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3651

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Richard Ridley Primary Examiner Art Unit 3651

Richard Ridley 12 January 2005

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